

## SEABOARD GROUP II AND CITY OF HIGH POINT, NC

### TECHNICAL MEMORANDUM E-6

**TO:** NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
**ATTN:** QU QI, P.G., HAZARDOUS WASTE SECTION  
JACLYNNE DRUMMOND, SOLID WASTE SECTION  
**FROM:** SEABOARD GROUP II AND CITY OF HIGH POINT  
**SUBJECT:** TECHNICAL MEMORANDUM NO. E-6  
**DATE:** JUNE 18, 2012

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Seaboard Group II and City of High Point (Parties) hereby request that the construction schedule contained in the Remedial Action Settlement Agreement (RASA) Scope of Work, as modified by earlier Technical Memorandum E-5, be extended. Due to circumstances beyond the Parties' control, certain key components of the treatment system (System) have not been completed to the requirements of the contractual specifications, and full operation has not proved possible. This is not attributable to the mechanical or electrical components of the System installed by the Parties. Those portions of the System were completed in October of 2011.

At that time, the Parties and their contractors began to make preparations to place the System into operation. On October 25, 2011 they made their first effort to operate the System. Unfortunately, despite best efforts, that attempt was unsuccessful. A series of modifications were made to address the safety of the System, correct issues identified by the Building and Fire Code inspectors and bring all components into compliance with the North Carolina Building Code, including the Modular Building Code, and the National Electric Code ("NEC"), along with other regulatory requirements necessary for issuance of Certificates of Occupancy (COs) required before full operation could be attempted.

The requirements of the North Carolina Modular Building Code were determined to be applicable to the installation of all structures at the Site. This required that Guilford County and City of High Point Building Permits be issued in accordance with the applicable rules prior to commencing work, and that those agencies issue COs before the System was placed into full operation. A registered professional structural and electrical engineer were required to certify the design, and applications were submitted with the required certifications before construction commenced in early August 2011. As construction progressed, certain changes were necessary to the electrical wiring and components in the System. This required that QPS, the third-party certification agent, re-inspect and reissue its certification prior to the Parties requesting the City of High Point and Guilford County to re-inspect the system and issue the COs. Both Guilford County and the City of High Point issued the necessary COs by the end of January 2012.

Upon receiving the COs, the Parties began the process of starting up the System and testing its

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controls, interlock and alarms. It was determined at that time there were numerous defects and deficiencies in the control and instrumentation system (SCADA), that there were numerous pump and valve problems and several of the specified alarms and interlocks were not functional as they related to the lift stations or the PhotoCat system<sup>1</sup>. The Parties promptly notified Purifics, the manufacturer of the System and responsible for providing the controls and instrumentation software, of the defects and deficiencies in the System components and demanded immediate correction. This led to numerous attempts by Purifics to correct these defects and deficiencies. In addition, the Parties retained an automation firm from North Carolina to assist in this effort. In spite of these diligent and persistent efforts by the Parties, Purifics has failed to correct the deficiencies and defects in the equipment and software it sold to the Parties. Because Purifics is based in Canada, it has proved very difficult for the Parties to expedite repairs.

For these reasons beyond the control of the Parties, the Parties respectfully request that the schedule in the Scope of Work for placing the System into full operation be extended from July 1, 2012, to December 31, 2012. All construction relating to the System's mechanical components and electrical distribution has been completed at this time, and the Parties have been issued the necessary COs to operate the System. The requested extension to December 31, 2012 will allow six additional months to effect correction of the manufacturer's defects and deficiencies, test the System, perform the other tasks described in the Pre-construction Report, and place the System into operation.

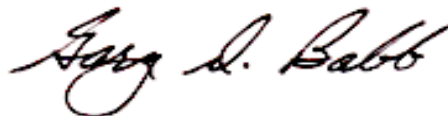
The Parties respectfully request approval of this extension to the construction schedule, and modification to the Scope of Work in the RASA. If there are any questions, or if we may be of any assistance this matter, please feel free to contact Jim LaRue at (281) 431-3571 or Gary Babb at (919) 325-0696.

Respectfully,

**Seaboard Group II and City of High Point**



James C. LaRue, Oversight Consultant  
Seaboard Group II



Gary D. Babb, P.G., Oversight Consultant  
City of High Point

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<sup>1</sup> PhotoCat is a registered trademark of Purifics ES, Inc. of London, Ontario, Canada